IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRI.WRIT PETITION NO.442 of 2006

Shri Lt. Col. Selvan Adik Thiruvarul
and anr. .. Petitioners
Vs
Shri Prabhusingh Shravansingh
Choudhary, .. Respondent

Mr S.B.Shetye i/b Mr N.G.Helekar for the petitioners.
Mrs M.M.Deshmukh, APP for the State.

CORAM : D.B.BHOSALE, J.

DATED : 5th JUNE, 2006

P.C.:

1. This petition was heard on 29.3.2006 when the following order was passed;

> "Heard Advocate for the petitioners. I am not inclined to transfer the case since the threatening call was received within the jurisdiction of the Court, where the case is filed. However, the Advocate for the petitioners state that he would be satisfied if general exemption is granted. For considering this limited prayer, issue notice to the respondents, returnable in six weeks."

None appears for respondent no.1, though served. Keeping in view the request of the learned counsel for the parties, recorded in the above order, and considering the law laid down by this Court in **Bhaskar Sen V. State of Maharashtra and ors -2004(4) Mh.L.J.1115,** liberty to the petitioners to apply for exemption before the trial Court. If such an application is filed by the petitioners, the trial

court to pass appropriate orders keeping in view the aforesaid judgment of this Court. At this stage, Mr Shetye, learned counsel for the petitioners prayed for liberty to the petitioners to file application for discharge. Such liberty need not be granted since it is open for the petitioners to file an application for discharge, if law so permits, which would be dealt with in accordance with law.

2. The writ petition is disposed of in aforesaid terms.

(D.B.BHOSALE,J.)